



United States Attorney
Southern District of New York

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One Saint Andrew's Plaza
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November 12, 2013

BY ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square, Room 2202
New York, New York 10007

Re: United States v. Hillel Nahmad, 13 Cr. 268 (JMF)

Dear Judge Furman:

Defendant Hillel Nahmad is scheduled to plead guilty to Count Nine of the above-referenced Indictment on November 12, 2013 at 2:30 p.m. Pursuant to Your Honor's August 13, 2013 Order, the Government writes to advise the Court of the elements of the offense. Count Nine charges the defendant with operating an illegal gambling business, in violation of 18 U.S.C. §§ 1955 and 2. The elements of that offense are as follows:

First, that the gambling business charged in the Indictment violated the laws of the State of New York;

Second, that the gambling business was in substantially continuous operation for a period in excess of thirty days (or had gross revenues of \$2,000 or more in any one day); and

Third, that five or more persons, including the defendant, knowingly conducted, financed, managed, supervised, directed, or owned the gambling business.

The "gambling business" referenced above is the operation of an illegal sportsbook, in violation of New York Penal Law § 225.10. The elements of that offense are as follows: the defendant knowingly advanced or profited from unlawful gambling activity by engaging in bookmaking to the extent that he received or accepted in any one day more than five bets totaling more than five thousand dollars. *See United States v. Gotti*, 459 F.3d 296, 340-41

(2d Cir. 2006) (operating sportsbook in violation of New York Penal Law § 225.10 satisfied requirements of 18 U.S.C. § 1955).

Respectfully submitted,

PREET BHARARA
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